

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the present application are respectfully requested in view of the amendments and remarks presented herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-28 are canceled without prejudice or disclaimer of subject matter. Claims 29-43 are newly introduced in this application. Claims 29, 30, 36, 38, 40, and 42 are independent. Support for this amendment can be found throughout the Specification as originally filed.

No new matter has been added. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Previous claims 1-9 and 22-24 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely “Matsuzaki”) in view of U.S. Patent No. 5,892,894 to Shiroshita et al. (hereinafter, merely “Shiroshita”).

Previous claims 10-14 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsuzaki in view of Shiroshita and further in view of U.S. Patent No. 5,801,753 to Eyer et al. (hereinafter, merely “Eyer”).

Previous claims 15, 17, 19, 21 and 25-28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,111,612 to Ozkan et al. (hereinafter, merely “Ozkan”) in view of Eyer, in further view of Matsuzaki and further in view of Shiroshita.

III. RESPONSE TO REJECTIONS

The new claims include some similar features to previously presented claims that are no longer pending in the present application. In order to expedite prosecution, Applicants present the following remarks that distinguish the features of the present claims from the art used as a basis of rejection of the previous claims.

Claim 29 recites, *inter alia*:

“an information transmitting ...comprises:

EPG data generating means for generating EPG data;

a schedule database defining, with respect to time, current allocations of a video data occupation bandwidth, an audio data occupation bandwidth and an EPG data occupation bandwidth;”

(emphasis added)

First, the Office Action (page 6) relies on elements 82d in figure 1 of Matsuzaki to disclose EPG data generating means for generating EPG data, as recited in previous claim 1. Applicants respectfully submit that 82d is in figure 2 not figure 1. Applicants submit that 82d references encoding section for encoding data in contrast with Applicants’ claimed EPG data generating means for generating EPG data. Therefore, Matsuzaki fails to disclose or suggest the above-identified features of previous claim 1, which are also included in the newly presented claims.

Second, the Office Action (page 6) relies on figure 4 of Matsuzaki to teach a schedule database defining, with respect to time, current allocations of a video data occupation bandwidth, an audio data occupation bandwidth and an EPG data occupation bandwidth, as recited in previous claim 1. Applicants submit that Matsuzaki controls data rate of content information based on priorities. Matsuzaki controls transmission of different types of data

according its content, but not with respect to time. Applicants submit that Matsuzaki's priority is different from Applicants' claimed schedule database defining, with respect to time, current allocations of a video data occupation bandwidth, an audio data occupation bandwidth and an EPG data occupation bandwidth. Therefore, Applicants submit that Matsuzaki fails to disclose or suggest the above-identified features of previous claim 1, which are similar to the features recited in the new claims.

It is respectfully submitted that Ozkan, Eyer, Matsuzaki, and Shiroshita, taken either alone or in combination, does not teach the above-recited features of the newly added independent claim 29.

Therefore, Applicants respectfully submit that claim 29 is patentable.

For at least the reasons cited above, Applicants submit that independent claim 30 recites similar features and is therefore patentable for similar reasons.

New Claim 36 recites, *inter alia*:

"An information transmitting apparatus ... comprising:

program information data generating means for generating program information data including information of a transmission status of the program information;

wherein the transmission status information indicates availability of a predetermined transmission scheme for program guide data", (emphasis added)

The Office Action (see page 5) relies on column 5, lines 31-45 of Matsuzaki and column 4, line 59 through column 5, line 30 of Shiroshita to disclose program information data generating means for generating program information data including information of a transmission status of the program information; wherein the transmission status information indicates availability of a predetermined transmission scheme for program guide data.

Applicants respectfully submit that Mastuzaki and Shiroshita's transmission status does not indicate availability of a predetermined transmission scheme for program guide data, as claimed by Applicants. Therefore, Applicants respectfully submit that nothing has been found in Ozkan, Eyer, Matsuzaki, or Shiroshita, taken alone or in combination, teaches or suggests the above-identified features of claim 36.

Therefore, Applicants respectfully submit that claim 36 is patentable.

For at least the reasons cited above, Applicants submit that independent claims 36, 38, 40, and 42 recite similar features and are therefore patentable for similar reasons.

Therefore, Applicants submit that independent claims 29, 30, 36, 38, 40, and 42 are patentable.

III. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are in condition for allowance and Applicants respectfully request early passage to issue of the present application.

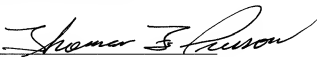
In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the

Examiner specifically indicate the portions of the reference, or references, providing the basis for a contrary view.

Please charge any fees that may be needed, and credit any overpayment, to our
Deposit Account No. 50-0320.

Respectfully submitted,

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